

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
TERRE HAUTE DIVISION

JOSEPH T. KINGREY,)	
)	
Plaintiff,)	
)	
v.)	No. 2:20-cv-00238-JPH-MJD
)	
MCLAUGHLIN Ms., Case Manager,)	
K. INDA Mental Health,)	
K. GILMORE Warden,)	
LITTLEJOHN Deputy Warden,)	
)	
Defendants.)	

**Order Dismissing Action
and Directing Entry of Final Judgment**

Plaintiff Joseph T. Kingrey, an inmate of the Indiana Department of Correction, filed this 42 U.S.C. § 1983 action on May 4, 2020, contending that the defendants placed him in a cell at the Wabash Valley Correctional Facility for two months that did not have an emergency call button. Dkt. 1. Mr. Kingrey also asserted that a grievance specialist would not process his grievance about the call button. *Id.*

The Court screened and dismissed the complaint for failure to state a claim upon which relief can be granted. *See* dkt. 4 (citing 28 U.S.C. § 1915A). There is no federal constitutional right to have an emergency call button in a cell, and similarly no right to a grievance system. Other than being worried and sleepless that he did not have a call button, Mr. Kingrey pled no injury.

Mr. Kingrey was allowed through June 5, 2019, in which to file an amended complaint stating viable federal claims or show cause why his complaint should not have been dismissed. Dkt. 4. He has responded with a one-page "motion to proceed" stating, "If you wish to dismiss this I want it to be known I . . . told the court what they are doing to me." Dkt. 7. Mr. Kingrey then

asserts his food is being tampered with and he's not receiving his medications. *Id.* These assertions do not relate to the issue of a call button, and any new and unrelated conditions of confinement claims belong in a separate lawsuit.


Mr. Kingrey has not shown cause why his original complaint should not have been dismissed, nor has he filed an amended complaint curing the deficiencies with his original complaint. Accordingly, this action is **dismissed** for failure to state a claim upon which relief can be granted pursuant to 28 U.S.C. § 1915A.

The motion to proceed, dkt. [7], is **denied**.

Final judgment consistent with this Order shall now enter.

SO ORDERED

Date: 6/12/2020


James Patrick Hanlon
United States District Judge
Southern District of Indiana

Distribution:

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